

**CONFIDENTIAL**-Pursuant to Court  
Order in Case No. 04-10521-GAO in  
the United States District Court,  
District of Massachusetts.

cc 3137

**COMMONWEALTH OF MASSACHUSETTS**

**MIDDLESEX, SS**

**SUPERIOR COURT NUMBER**  
**82-4115 and 4116**

**COMMONWEALTH**

**v.**

**KENNETH WATERS**

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**NOLLE PROSEQUI**

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Now comes the Commonwealth in the above entitled matter and files this  
nolle prosequi.

Based upon new DNA evidence of the presence of blood of an unknown  
person at the scene of the 1980 murder of Katherina Brow, the Commonwealth has  
agreed that, at a minimum, a new trial of the above indictments is warranted.

At this time, there is insufficient evidence to proceed with a criminal  
prosecution against the defendant, Kenneth Waters, and as such, the  
Commonwealth has determined that, at this time, a nolle prosequi is in the interests  
of justice. The Commonwealth's investigation into the murder of Katherina Brow  
has and will continue.

RECEIVED  
01 JUN 27 AM  
MIDDLESEX SUPERIOR COURT  
EDWARD J. SULLIVAN  
CLERK MAGISTRATE

Respectfully Submitted  
By the Commonwealth

**MARTHA COAKLEY**  
**DISTRICT ATTORNEY**

by:

Sheila M. Calkins  
Assistant District Attorney  
Middlesex District

Dated: June 28, 2001

6/27/01  
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Copy sent to Joyce Colman Pirtl.